

DELTA PROTECTION COMMISSION

14219 RIVER ROAD

P.O. BOX 530

WALNUT GROVE, CA 95690

PHONE: (916) 776-2290

FAX: (916) 776-2293



May 12, 1995

DRAFT MINUTES**DELTA PROTECTION COMMISSION MEETING**

6:30 p.m. on APRIL 27, 1995

JEAN HARVIE COMMUNITY CENTER
14273 RIVER ROAD, WALNUT ROAD**1. Call to Order/Roll Call**

Meeting was called to order at 7:10 p.m., following the closed session. After saluting the flag, Ms Aramburu called the roll. Commissioners present were: Chairman McCarty, Vice Chair Fargo, Broddrick, Calone, Ferreira, Potter, Salmon, Sekelsky, Torlakson, Yates. Commissioners absent were: Curry, Freeman, Hill, McGowan, Mello, Murphy, Nottoli, Simas, Thomson.

2. Public Comments

Dr. Franklin Ernst passed out a letter about the Oklahoma City tragedy. He asked the difference between a committee and a subcommittee (Agenda Item #14); Ms Aramburu responded that was a typo, that all the subcommittees were subcommittee.

3. Adoption of Minutes of March 23, 1995

On a motion by Commissioner Fargo and a second by Commissioner Potter, the minutes were adopted.

4. Chairman's Report

The Chairman McCarty reported the next meeting is scheduled for Thursday, May 25, 1995. Upcoming Delta events include: river bank clean-up; kite festival at Brannan Island and bass derby at Tower Park Marina. He reported on the status of the Delta Fund which is now \$2,995.

Chairman McCarty asked for support of a proposed resolution thanking Tom Torlakson for serving as the Commission's first Chair. On a motion by Commissioner Salmon and a second by Vice Chair Fargo the resolution was approved. Chairman McCarty presented the resolution and a gift to Commissioner Torlakson.

5. Attorney General's Report

The Attorney General, Richard Frank, reported that two lawsuits had been filed by Wheelabrator/BioGro regarding Utilities and Infrastructure Policy P-3; one in State court and one in federal court. He noted that a closed session had been held regarding the litigation; no action was taken in the closed session.

Vice Chair Fargo asked that the Chairman, the Attorney General, and the Executive Director be designated to field questions about the lawsuits; the Chairman agreed.

6. Executive Director's Report

Ms Aramburu reviewed the materials in the mailing packet; said Ducks Unlimited has distributed three new flyers on agricultural practices which enhance habitat; reviewed meetings she had attended on behalf of the Commission; outlined that status of Plan printing and discussions with local government representatives; said contracts with Teale and CEDR for the GIS system would be completed shortly; and reminded Commissioners to submit travel expenses well before the end of the fiscal year on June 30.

7. Draft Grant Criteria for Ducks Unlimited/Delta Protection Commission Grants. The Commission will consider and possibly adopt draft grant criteria for the proposed Ducks Unlimited/Delta Protection Commission grants program. The Commission agreed to participate in the grants program at the January 26, 1995 meeting.

Ms Aramburu outlined the status of the grant program and introduced Dr. Mike Bias of Ducks Unlimited.

Vice Chair Fargo said the criteria were very general and asked who would determine final selections. Commissioner Broddrick outlined criteria the Department of Fish and Game uses. Commissioner Potter asked for Dr. Bias to comment.

Dr. Bias said because this is new program, it is unknown if there will be more than just a few proposals. He said the program will have about \$40,000 available for this construction year and the program is a two year grant program.

There were no public comments.

Chairman McCarty directed staff to work with Ducks Unlimited to clarify the section criteria for distribution with the grant application packet and that a copy of the grant packet be sent to the Commission. No Commission action was needed.

8. Briefing on Best Management Practices to Control Mosquito Habitat on Agricultural Lands. The Commission will be briefed by staff of Ducks Unlimited and the San Joaquin County Mosquito and Vector Control District regarding research carried out last fall and winter. The research was carried out on several sites in San Joaquin and Contra Costa Counties to provide guidance for additional research to be carried out starting in fall of 1995.

Terry Strange, biologist with San Joaquin County Mosquito and Vector Control District, described the study carried out by his district, Ducks Unlimited and Contra Costa County Mosquito and Vector Control District. The study was carried out last year on two sites in San Joaquin County and two sites in Contra Costa County. Mr. Strange passed out sheets summarizing findings of the study. He said it was difficult to make findings because control over the variables was limited. He added that his district and Ducks Unlimited were going to carry on the study next fall and winter on a site where various factors can be better controlled. He thanked the landowners, including Jim and Sally Shanks and the Eberhardt family, for allowing access to their lands.

Dr. Mike Bias of Ducks Unlimited distributed summary of the bird counts carried out on the various sites. He described the process of visiting each site multiple times per week throughout the many weeks the sites were flooded.

Dr. Franklin Ernst said he had a hard time with this type of science and research. He said its difficult to determine if the study was to control mosquitoes or to provide room to breed. He suggested controlling mosquitoes without harming people by using DDT. He said the lack of use of DDT causes 10 million deaths per year.

9. Briefing on Seasonal Waterfowl in the Delta in the 1994-1995 Migratory Season. The Commission will be briefed by staff of Ducks Unlimited on number, types, and location of migratory waterfowl and other birds in the Delta during fall/winter of 1994-1995.

Dr. Mike Bias of Ducks Unlimited described the values of the Delta as part of the habitat for wintering waterfowl in central California. He described the types of surveys DU employs including aerial surveys and ground surveys to develop annual numbers. Dr. Bias referred to the hand-outs which described the type and number of waterfowl surveyed in the Delta. He added that the Central Valley Habitat Joint Venture goals for the Delta for seasonally flooded agricultural lands are 39,000 acres. As of last year, 31,500 were flooded.

10. Briefing and Possible Action to Address Estimated Water Levels in Delta Waterways. The Commission will consider and possibly adopt a course of action to address the predicted sustained high waters in the Delta channels. Spring runoff, high tides, and other factors combine to create unusual stress on the Delta levees.

Ms Aramburu reviewed the material in the staff report and added some comments submitted by Commissioner Potter.

Commissioner Broddrick suggested that the Commission continue to develop protocol to solicit assistance from the Corps and the Coast Guard when waters are close to overtopping Delta levees. He suggested developing standing protocol to allow a landowner to request assistance.

Commissioner Ferreira suggested the time for soliciting assistance should include water levels elevated above riprap.

Vice Chair Fargo suggested that the area of concern be more waterways than the deep water channels.

Commissioner Potter commented that there were some factual matters that should be corrected in the staff report. He suggested no action at this time until those changes are made and Commissioner Curry could participate in the discussion.

Commissioner Calone described the problems his duck club had during the January high waters and high tides and supported the need to slow down boat traffic in times of high water flows and high tides.

Commissioner Salmon agreed with Commissioner Potter and said the Commission can't solve all these problems.

Commissioner Potter suggested writing to the agencies regarding the Commission's concerns and revising the background memo.

Commissioner Calone commented that there will be high tides this summer and that the predicted high levels of runoff will result in continued high water in the channels.

Vice Chair Fargo asked for more information about the process to control vessel speeds.

Chairman McCarty directed staff to write letters to the agencies expressing concerns of the Commission and that staff revise the memorandum.

Chairman McCarty asked for public comments.

Sally Shanks said there has been considerable debate of jurisdiction over vessel speeds. She asked the Commission to consider the unrocked areas of habitat that are subject to erosion. In response to Commissioner Potter, she said that authority to regulate vessel speed should be given to the Coast Guard, not the Boards of Supervisors.

Jim Shanks said there have been attempts in the past to control vessel speeds. That the Commission staff should go to the Coast Guard for effects. Commissioner Potter said Department of Water Resources had asked for Boating and Waterway funds for levee repair and have been told that is not an appropriate use. He said the erosion problem is real. Mr. Shanks said Boating and Waterways would just use their funds to build more marinas.

Commissioner Torlakson recommended a briefing by reclamation districts for the Coast Guard documenting the impacts to levees.

Commissioner Ferreira urged continuing a dialog with the Coast Guard.

Dr. Franklin Ernst commented on Contra Costa County problems.

11. Pending Projects Memo. Staff will present a revised pending projects memo.

Ms Aramburu presented the pending projects memo, saying she would separate the Ironhouse Sanitary District project and the Environment Education Center. There were no comments.

12. 1994-1995 Legislative Update. Staff will present a memo summarizing bills pending in the State Legislature which are related, to some extent, to the elements of the Commission Plan for the Primary Zone.

Ms Aramburu presented the legislative memo.

Commissioner Torlakson asked staff to update the Commission on AB 122, and the Costa bill (page 9).

Commissioner Potter asked staff to update the Commission on SB 900.

13. Update on "Category III" Projects Associated with the State-Federal Water Accord Signed December 15, 1995. The staff will update the Commission on the status of the Implementation Plan currently under preparation by an Ad Hoc Working Group and to be reviewed by the "Stakeholders" on April 20, 1995. The Implementation Plan contains a list of up to 14 projects which can be implemented in the period of 1995-1996. Materials will be distributed at the meeting.

Ms Aramburu introduced that material distributed at the meeting on the Category III projects.

There were no comments.

14. Creation of New Subcommittees. The Commission currently has four subcommittees: Budget and Finance, Administration and Operations, Legislation, and Levees. A new Subcommittee was created at the last meeting to provide oversight in the Recreation Use Study (Nottoli, Curry, Murphy). The Chair is considering creating new subcommittees which could include:

A combined Budget/Administration Subcommittee to review work programs, expenditures, and budgets.

A Plan Subcommittee to discuss the Plan and its policies, any common problems and issues, the adoption process, etc.

A Future Subcommittee to discuss future options for the Commission (as outlined in the Implementation Background Report).

A Levee Subcommittee to address permitting, funding, and legislation needed to maintain levees.

A Delta Fund Subcommittee to develop a strategy to aggressively pursue the 10% mandated surcharge.

Chairman McCarty said he is suggesting combining the Budget/Administration Subcommittee with the Future Committee and the Delta Fund Subcommittee.

Commissioner Torlakson said the Legislative Subcommittee should track legislation for the Commission.

Chairman McCarty asked staff to prepare a memo with the current Subcommittee members for distribution.

15. Commissioner Comments.

Commissioner Potter said he would be participating in the Coot Scoot and challenged any Commission to run against him. He introduced Chris Crystal who is preparing a story on the Commission and the Plan for the Biodiversity Newsletter.

Commissioner Torlakson asked that the San Luis Drain be agendized.

16. Adjourn.

The meeting was adjourned at 8:55 p.m.